

REMARKS

Request for Reconsideration

Applicants have carefully considered the matters raised by the Examiner in the outstanding Office Action but remains of the position that patentable subject matter is present. Applicants respectfully request reconsideration of the Examiner's position based on the amendments to the claims and the following remarks.

Claim Status

1. Claims 1-17 are pending in this case.
 - a. Claim 1 has been amended to better define "radial interspace" and to more particularly point out and distinctively claim the invention.
 - b. Claim 1 has also been amended to remove reference to the axial location of the interspace. Applicants have amended Claim 1 to accurately reflect the location of the interspace. This modification should also eliminate any confusion regarding the statement "neither the encoder nor the sensor penetrate the interspace."

Even though the Office Action is final, it is submitted that these amendments should be entered because the only issue raised in the Office Action was indefiniteness and the written description requirement, both of which are rectified by the amendments to Claim 1.

Written Description Rejection and Indefinite Rejection

1. Claims 1-17 were rejected as for failing to comply with the written description requirement of 35 U.S.C. 112 because there was no support in the Specification defining "the radial interspace being a region where neither bearings nor bearing rings axially overlap" or for the language "neither the encoder nor the sensor penetrate into the interspace."

- a. Claim 1 has been amended to modify the phraseology "the radial interspace being a region where neither bearings nor bearing rings axially overlap." The new language is intended to remove any misunderstanding of the location of the radial interspace.

The third paragraph of the Summary of the Invention describes the interspace. Additionally, paragraphs 5 and 6 of the Summary of the Invention discuss the location of both the encoder and the sensor(s) relative to the interspace. In paragraph 4, Applicants note the encoder does not encroach upon the interspace, but rather, as the Applicants state, "...the encoder [is arranged] outside the bearing interspace..." In paragraph 5, the Applicants point out "One or more sensors [are] arranged radially outside of the encoder..." and "...are seated on the bearing ring which cannot be rotated in relation to the bearing ring or is/are fixed to the vehicle in some other way." Thus, within the Summary of the Invention the interspace and location of the encoder and sensor(s) are clearly defined.

Moreover, the Figure 2 depicts the interspace and clearly shows neither the encoder, also shown in Figure 2, nor the sensor, shown in Figure 1, are located within the interspace. Thus, it is Applicants position that they had possession of the invention at the time the application was filed and that one skilled in the art would be able to understand Applicants claim(s) from the description provided in the Summary of the Invention and the Figures.

2. Claims 1-17 were rejected to as being indefinite under 35 U.S.C. 112, second paragraph, for failing to particularly point out and distinctively claim the subject matter which applicant regards as the invention.
 - a. Claim 1 has been amended herein to aid in providing a clearer understanding of "radial interspace" and as such are now deemed definite.

Drawings

It is noted that the drafts man objected to the drawings. Replacement sheets are being prepared and will be submitted shortly.

Conclusion

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and such action is respectfully requested. Should any extensions of time or fees be necessary in order to maintain this Application in pending condition, appropriate requests are hereby made and authorization is given to debit Account No. 02-2275.

Respectfully submitted,

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